

**DAVIS POLK & WARDWELL LLP**

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*Attorneys for Intesa Sanpaolo S.p.A.  
and the Eurizon Defendants*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	
	:	Adv. Pro. No. 08-01789 (SMB)
	:	
Plaintiff,	:	
	:	
- v. -	:	SIPA Liquidation
	:	
BERNARD L. MADOFF	:	
INVESTMENT SECURITIES LLC,	:	
	:	(Substantively Consolidated)
Defendant.	:	
	:	

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IRVING H. PICARD, Trustee for the	:	
Liquidation of Bernard L. Madoff Investment	:	
Securities LLC,	:	Adv. Pro. No. 12-01680 (SMB)
	:	
Plaintiff,	:	
	:	
- v. -	:	
	:	

INTESA SANPAOLO SPA (AS SUCCESSOR	:	
IN INTEREST TO BANCA INTESA SPA),	:	
EURIZON CAPITAL SGR SPA (AS	:	
SUCCESSOR IN INTEREST TO EURIZON	:	
INVESTIMENTI SGR SPA, F/K/A NEXTRA	:	
INVESTMENT MANAGEMENT SGR SPA,	:	
AND EURIZON ALTERNATIVE	:	
INVESTMENTS SGR SPA, F/K/A NEXTRA	:	
ALTERNATIVE INVESTMENTS SGR SPA),	:	
EURIZON LOW VOLATILITY F/K/A	:	
NEXTRA LOW VOLATILITY, EURIZON	:	
LOW VOLATILITY II F/K/A NEXTRA LOW	:	
VOLATILITY II, EURIZON LOW	:	

VOLATILITY PB F/K/A NEXTRA LOW :  
VOLATILITY PB, EURIZON MEDIUM :  
VOLATILITY F/K/A NEXTRA MEDIUM :  
VOLATILITY, EURIZON MEDIUM :  
VOLATILITY II F/K/A NEXTRA MEDIUM :  
VOLATILITY II, EURIZON TOTAL RETURN :  
F/K/A NEXTRA TOTAL RETURN, :  
: :  
Defendants. :  
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### **NOTICE OF APPEARANCE**

PLEASE TAKE NOTICE that Elliot Moskowitz of Davis Polk & Wardwell LLP hereby appears in the above-captioned action pursuant to Rule 9010(b) of the Federal Rules of Bankruptcy Procedure as counsel to Defendants Intesa Sanpaolo S.p.A. (“Intesa”), Eurizon Capital SGR S.p.A., f/k/a Nextra Alternative Investments SGR S.p.A. (“Eurizon Capital”), Eurizon Low Volatility, f/k/a Nextra Low Volatility (“Eurizon Low Volatility”), Eurizon Low Volatility II, f/k/a Nextra Low Volatility II (“Eurizon Low Volatility II”), Eurizon Low Volatility PB, f/k/a Nextra Low Volatility PB (“Eurizon Low Volatility PB”), Eurizon Medium Volatility, f/k/a Nextra Medium Volatility (“Eurizon Medium Volatility”), Eurizon Medium Volatility II, f/k/a Nextra Medium Volatility II (“Eurizon Medium Volatility II”), and Eurizon Total Return, f/k/a Nextra Total Return (“Eurizon Total Return” and, together with Eurizon Capital, Eurizon Low Volatility, Eurizon Low Volatility II, Eurizon Low Volatility PB, Eurizon Medium Volatility, and Eurizon Medium Volatility II, the “Eurizon Defendants”).<sup>1</sup>

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<sup>1</sup> The Complaint characterizes Eurizon Low Volatility, Eurizon Low Volatility II, Eurizon Low Volatility PB, Eurizon Medium Volatility, Eurizon Medium Volatility II, and Eurizon Total Return each as an Italian “fondo comune investimento,” which is not a legal entity under Italian law. The assets of these funds were managed and promoted by the asset manager, Eurizon Capital. Moreover, prior to the filing of the Complaint, the assets of Eurizon Low Volatility II and Eurizon Low Volatility PB were merged into Eurizon Low Volatility, and the assets of Eurizon Medium Volatility II were merged into Eurizon Medium Volatility. On August 1, 2013, the assets of Eurizon Medium Volatility and Eurizon Total Return were merged

Intesa and the Eurizon Defendants submit this Notice of Appearance with a full reservation of their rights and defenses, and this Notice of Appearance shall not be deemed to be a waiver of any such rights or defenses.<sup>2</sup>

Dated: New York, New York  
September 30, 2015

DAVIS POLK & WARDWELL LLP

By: /s/ Elliot Moskowitz  
Elliot Moskowitz

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Eurizon Defendants*

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into Eurizon Low Volatility. Accordingly, the only fund that exists today, and which is currently managed by Eurizon Capital, is Eurizon Low Volatility.

<sup>2</sup> Counsel has already filed notices of appearance in *Picard v. Intesa Sanpaolo S.p.A., et al.*, Adv. Pro. No. 12-1680 (SMB), on behalf of Intesa (Dkt. No. 7) and the Eurizon Defendants (Dkt. No. 14), subject to the same full reservation and non-waiver of all rights and defenses.